

Appl. No. 10/647,521

Attorney Docket No. 10541-1832

III. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Specification

In the Office Action, the examiner objected to the abstract of the disclosure stating that the original abstract utilized phrases that could be implied. The abstract of the disclosure has been amended to remove phrases that can be implied. It is respectfully submitted that no new matter has been introduced into the application.

Further Claim Clarifications

Prior to discussing the references, it is believed that a brief discussion on the current form of independent claims of this application is warranted. Claims 1 and 8 of this application has been amended to clarify, more particularly to point out and distinctly claim that which applicant regards as the subject matter of the present invention. Specifically, claim 1 now recites a separation wall having a first end and a second end, the first end being attached to the first portion of the heater core and extending therefrom along the length of the heater core in the space between the evaporator core and the heater core towards the output opening. Claim 8 now recites that the separation wall defines a mixing channel for mixing cold air and hot air, the mixing channel being downstream and in fluid communication with the evaporator core and heater core.

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Claim Rejections - 35 U.S.C. §112

Claims 1-7 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. More specifically, it was unclear whether the term "output" of claim 1 was referring an additional output or the previously recited output opening. To obviate this rejection, the term "output" has been changed to "output opening."

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-8, 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,453,591, to Fehr ("Fehr"). Applicant respectfully traverses these rejections.

The examiner stated that Fehr discloses a vehicle temperature system including a housing having an intake duct opening and an output opening, an evaporator core, a heater core downstream from the evaporator core, and a separation wall having a first and second end. As to the separation wall, the examiner states that the first end of the separation wall is attached to a first portion of the heater core and extends along the length of the heater core.

Claim 1 has been amended to include the limitation of the separation wall extending along the length of the heater core in the space between the evaporator core and the heater core *towards the output opening*. Unlike the present claimed invention, the separation wall of Fehr (second air deflector 14) extends away from, and not towards, the output opening (air discharges 2, 4). From this, it is

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submitted that Fehr fails to disclose all the elements claimed in newly amended claim 1. The rejection based thereon should be accordingly withdrawn.

With respect to claims 2-7, these claims are dependent on claim 1 and therefore are patentable for at least the same reasons as given above in support of claim 1. Accordingly, allowance of these claims is respectively requested.

The examiner rejected claim 8 under 35 U.S.C. § 102(b) as being anticipated stating that the separation wall of Fehr (second air deflector 14) defines a mixing channel for mixing cold air and hot air, the mixing channel being downstream and in fluid communication with the cold air portion and the hot air portion as claimed in claim 8. Claim 8 has been amended to recite that the mixing channel is downstream and in fluid communication with the evaporator core and the heater core. For hot air and cold air to mix, hot air and cold air must first be generated by the heater core and condenser, respectively. Logically, the mixing area for the hot air and cold air generated by the heater core and condenser must be downstream from *both* the heater core and the condenser. The separation wall of Fehr (second air deflector 14) is downstream of the condenser (evaporator 1) but *upstream* of the heater core (heat exchanger 11). Therefore, the separation wall of Fehr (second air deflector 14) cannot define a mixing channel for mixing cold air and hot air. Additionally, in Fehr, the hot air and cold air are mixed in a mixing area near the air deflector 8 and not in an area defined by the second air deflector 14. This deflector 8 is dissimilar from the claimed separation wall in that the air deflector does not extend along the length of the heater core in the space between the heater core and the evaporator core.



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Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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